

**NINETEENTH DAY**  
(Tuesday, February 24, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, Creator of all that is, help us this day to be worthy and appreciative of Thy grace. Much is yet to be accomplished and we pray You will grant to each participant bigness, kindness, patience and fairness as he works through the agenda. In Your name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Glasgow.

**REPORTS OF STANDING COMMITTEES**

Senator Harris submitted the following report for the Committee on Economic Development:

**C.S.S.B. 260**  
**C.S.S.B. 80**  
**C.S.S.B. 316**

Senator McFarland submitted the following report for the Committee on Criminal Justice:

**S.B. 152**  
**S.B. 185**  
**S.B. 186**

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.C.R. 44** by Montford Jurisprudence  
Granting William B. Wilson permission to sue the State of Texas and the State Department of Highways and Public Transportation.

**S.B. 514** by Montford Jurisprudence  
Relating to legislative consent to suits against the state.

- S.B. 515** by Lyon Jurisprudence  
Relating to the dismissal of certain misdemeanor charges involving traffic offenses on completion of a defensive driving course.
- S.B. 516** by Brown Finance  
Relating to tax credits for the sale or use of mixtures of gasoline and alcohol.
- S.B. 517** by Brown Natural Resources  
Relating to the sale of certain mixtures of gasoline and alcohol; providing penalties.
- S.B. 518** by Green State Affairs  
Relating to the information required of applicants for a mixed beverage permit.
- S.B. 519** by Montford Intergovernmental Relations  
Relating to the authority of Garza County to adopt zoning and building regulations for areas around certain lakes.
- S.B. 520** by Lyon State Affairs  
Relating to the authority of the Department of Public Safety to adopt regulations governing the safe operation of certain motor vehicles; providing civil and criminal penalties.
- S.B. 521** by Sarpalius, Leedom, Truan, Zaffirini State Affairs  
Relating to creation of the offense of operating a motor vehicle while possessing or consuming an alcoholic beverage.
- S.B. 522** by Sarpalius Finance  
Relating to gasoline tax credits for gasoline and alcohol mixtures.
- S.B. 523** by Edwards State Affairs  
Relating to alcoholic beverage advertising on boats and aircraft.
- S.B. 524** by Farabee State Affairs  
Relating to commercial driver-training schools and defensive driving courses.
- S.B. 525** by Farabee Health and Human Services  
Relating to fees imposed on physical therapists by the Texas Board of Physical Therapy Examiners.
- S.B. 526** by Glasgow Economic Development  
Relating to the regulation of surplus lines insurance.
- S.B. 527** by Glasgow Jurisprudence  
Relating to the provision of emergency care by a physician or health care provider.
- S.B. 528** by Glasgow Education  
Relating to class size limits and averages at certain grade levels in public schools.
- S.B. 529** by Glasgow Education  
Relating to the appraisal of classroom teachers.
- S.B. 530** by Glasgow Jurisprudence  
Relating to the preparation and delivery of certain court documents and to costs in civil suits.
- S.B. 531** by Armbrister Jurisprudence  
Relating to the priority the court may give to certain suits affecting the parent-child relationship in which termination of that relationship is sought.
- S.B. 532** by Caperton, Johnson, Krier, Zaffirini Jurisprudence  
Relating to the provision for spousal maintenance after the dissolution of certain marriages or putative marriages and providing enforcement procedures.

**HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 16**, To Committee on Intergovernmental Relations.

**CO-AUTHOR OF SENATE RESOLUTION 90**

On motion of Senator Brown and by unanimous consent, Senator Krier will be shown as Co-author of **S.R. 90**.

**CO-AUTHOR OF SENATE BILL 393**

On motion of Senator Santiesteban and by unanimous consent, Senator Caperton will be shown as Co-author of **S.B. 393**.

**CO-AUTHOR OF SENATE BILL 532**

On motion of Senator Caperton and by unanimous consent, Senator Krier will be shown as Co-author of **S.B. 532**.

**CO-AUTHORS OF SENATE BILL 174**

On motion of Senator Henderson and by unanimous consent, Senators Caperton and Krier will be shown as Co-authors of **S.B. 174**.

**CO-AUTHORS OF SENATE BILL 335**

On motion of Senator Parker and by unanimous consent, Senators Lyon and Truan will be shown as Co-authors of **S.B. 335**.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 24, 1987

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 20**, Authorizing placement on the Capitol grounds of a memorial honoring veterans of Korea and Southeast Asia and creating an advisory committee.

**H.C.R. 72**, Honoring former State Representative J. W. "Buck" Buchanan.

**H.B. 327**, Relating to the imposition of an optional county registration fee for vehicles.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 96**

Senator Parker offered the following resolution:

WHEREAS, On Tuesday, February 24, 1987, Beaumont Day will be celebrated by the proud residents of Beaumont in Jefferson County; and

WHEREAS, The community spirit and civic pride exhibited by the residents of this industrial inland port on the Sabine-Neches Waterway is understandable for it has become one of the most prosperous and progressive cities in the state; and

WHEREAS, Steeped in rich heritage and tradition, Beaumont was established by early French and Spanish fur trappers and explorers; the small settlement grew and by 1835 a townsite had been laid out; and

WHEREAS, Its growth mirrored that of the new State of Texas; blessed with a deepwater port, it became a thriving shipping center for lumber, cotton, sugar cane, and cattle; and

WHEREAS, With the discovery of oil at Spindletop, its character changed forever; at first a typical boom town, its far-sighted city fathers transformed it into a major petroleum center; and

WHEREAS, Home of Lamar University-Beaumont, the city boasts of an excellent school system that includes 31 public schools; and

WHEREAS, Visitors to Beaumont are impressed by the charm and hospitality of its residents and the excellence of its recreational facilities; and

WHEREAS, It is fitting that the Texas Senate recognize the City of Beaumont and the contributions its citizens have made to the growth and development of our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby join with the citizens of Beaumont in a grand celebration of Beaumont Day; and, be it further

RESOLVED, That a copy of this resolution be prepared for the City of Beaumont in recognition of this splendid occasion and as an expression of congratulations and best wishes from the Texas Senate.

The resolution was read and was adopted viva voce vote.

#### **GUESTS PRESENTED**

Senator Parker was recognized and introduced a delegation from Beaumont, headed by Beaumont's Chamber of Commerce President, Larry Beaumont.

Senator Parker escorted these guests to the President's Rostrum. The President presented an enrolled copy of S.R. 96 to Mr. Beaumont.

#### **RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 34

H.C.R. 40

H.C.R. 41

H.C.R. 43

H.C.R. 53

H.C.R. 62

H.C.R. 63

#### **GUEST PRESENTED**

Senator Armbrister was recognized and introduced the Capitol Physician for the Day, Dr. Thomas Mueller of La Grange.

Dr. Mueller received the appreciation of the Senate as he was welcomed to the Senate as a guest for the day.

#### **SENATE RESOLUTION 90**

Senator Brown offered the following resolution:

WHEREAS, The Senate is proud to recognize Arnold D. Oates, former Brazosport Independent School District Superintendent, as one of the top educators in our nation; and

WHEREAS, Recognized for his excellent leadership and outstanding professional achievements, Dr. Oates has been named one of the best 100 school managers in North America by The Executive Educator, a national magazine for school professionals; and

WHEREAS, A native Texan, he received his bachelor's degree, master's degree, and doctor of philosophy degree from East Texas State University; and

WHEREAS, A superintendent for more than 13 years, he has been a science teacher, curriculum supervisor, principal, and assistant superintendent; and

WHEREAS, Realizing the importance of communication, within a few weeks after being named superintendent-elect for the North East School District in San Antonio in August, 1985, Dr. Oates had visited every classroom and spoken personally with each one of the 2,435 teachers employed by the school district; and

WHEREAS, This distinguished gentleman is well known for his progressive thinking; named superintendent for the North East School District in January, 1986, he has been instrumental in implementing district-wide studies which have led to greater efficiency and enhanced professional development; and

WHEREAS, Dedicated to improvement of our state's education system for the last 27 years, Dr. Oates is responsible for the North East School District's development of an interrelated system of databases; he was selected as Educator of the Month in June, 1986 by the Texas School Business Magazine; and

WHEREAS, A member of Phi Delta Kappa, an honorary educational fraternity, he also holds memberships and leadership roles in several civic and professional organizations; and

WHEREAS, Countless Texans have received a quality education as a result of Dr. Oates's wisdom, expertise, and concern for youth; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, commend and applaud Arnold D. Oates for his conscientious devotion to public education and congratulate him on being named one of the 100 best school managers in North America; and, be it further

RESOLVED, That a copy of this resolution be prepared for Dr. Oates as a token of high esteem from the Texas Senate.

BROWN  
KRIER

The resolution was read and was adopted viva voce vote.

#### GUEST PRESENTED

Senators Brown and Krier escorted Dr. Oates to the President's Rostrum for the Senate's recognition and welcome.

The President presented Dr. Oates with an enrolled copy of S.R. 90.

#### SENATE RESOLUTION 94

Senator Barrientos offered the following resolution:

S.R. 94, Declaring February 26, 1987, as Mobilization Day for Soviet Jewry in Texas.

The resolution was read and was adopted viva voce vote.

#### SENATE BILL 502 REREFERRED

On motion of Senator Parmer and by unanimous consent, S.B. 502 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

**SENATE BILL 470 REREFERRED**

On motion of Senator Jones and by unanimous consent, S.B. 470 was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Finance.

**SENATE BILL 471 REREFERRED**

On motion of Senator Jones and by unanimous consent, S.B. 471 was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Finance.

**MOTION TO PLACE SENATE BILL 34  
ON SECOND READING**

Senator Jones moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that S.B. 34 be taken up for consideration at this time on its second reading and passage to engrossment:

S.B. 34, Relating to the withholding, transfer, time of payment, and commitment of legislative appropriations.

The motion was lost by the following vote: Yeas 12, Nays 18.

Yeas: Armbrister, Blake, Brown, Glasgow, Harris, Henderson, Jones, Krier, Leedom, McFarland, Montford, Sims.

Nays: Anderson, Barrientos, Brooks, Caperton, Edwards, Farabee, Green, Johnson, Lyon, Parker, Parmer, Santiesteban, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

**MOTION TO PLACE SENATE BILL 82  
ON SECOND READING**

Senator Green moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that S.B. 82 be taken up for consideration at this time on its second reading and passage to engrossment:

S.B. 82, Relating to the authority of a peace officer to make warrantless arrests outside his jurisdiction and to his duties after making the arrest.

The motion was lost by the following vote: Yeas 21, Nays 9. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Anderson, Barrientos, Brooks, Brown, Edwards, Glasgow, Green, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Tejada, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Blake, Caperton, Farabee, Harris, Parker, Sims, Truan, Washington.

Absent-excused: Sarpalius.

**COMMITTEE SUBSTITUTE SENATE BILL 335  
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 335, Relating to testing public school teachers.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 335  
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sarpalius.

**MEMORIAL RESOLUTIONS**

S.R. 95 - By Montford: Memorial resolution for Ray Ownbey.

S.R. 97 - By Glasgow: Memorial resolution for William Walter Billingsley, Jr.

S.R. 98 - By Glasgow: Memorial resolution for Al Stricklin.

S.R. 99 - By Glasgow: Memorial resolution for Judge Temple Summers.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

S.R. 100 - By Glasgow: Honoring Mrs. Norma Crawford.

S.R. 101 - By Glasgow: Extending congratulations to the Hood County News on its 100th anniversary.

S.R. 102 - By Glasgow: Honoring Charles B. Campbell, Jr.

S.R. 103 - By Barrientos: Extending welcome to Karen Webber.

S.R. 104 - By Barrientos: Extending welcome to Gillian Latham.

S.R. 105 - By Barrientos: Extending welcome to Nadine Trudeau.

S.R. 106 - By Barrientos: Extending welcome to Danielle Trudeau.

S.R. 107 - By Barrientos: Extending welcome to Roberta Meehan.

S.R. 108 - By Barrientos: Extending welcome to Nancy MacKenzie.

S.R. 109 - By Barrientos: Extending welcome to Carolyn MacKenzie.

S.R. 110 - By Barrientos: Extending welcome to Lara MacKinnon.

S.R. 111 - By Barrientos: Extending welcome to Carolyn Lawrence.

S.R. 112 - By Barrientos: Extending welcome to Chantal Coolen.

S.R. 113 - By Barrientos: Extending welcome to Andrea Boyce.

S.R. 114 - By Barrientos: Extending welcome to Stephen Wallin.

S.R. 115 - By Barrientos: Extending welcome to Joseph S. Wallin.

S.R. 116 - By Barrientos: Extending welcome to the Scottish dance troupe Amethyst.

S.R. 117 - By Barrientos: Extending welcome to Marie Urquhart.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:01 p.m. adjourned until 11:00 a.m. tomorrow.

**TWENTIETH DAY**  
(Wednesday, February 25, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

A quorum was announced present.

The Reverend Richard Thompson, Central Presbyterian Church, Austin, offered the invocation as follows:

Before the Senate begins its deliberations, I would bid you enter into the spirit of meditation, some with eyes closed, others with eyes open, but all mindful of the need to exercise authority in behalf of that which is greater than ourselves. We affirm the sovereignty that belongs to the people of this State who have entrusted us with the stewardship of our official positions, but also of the sovereignty which encompasses the world beyond this State; of the future beyond the present—remembering that we today do not own the earth, but have only borrowed it from posterity, through the power that transcends all generations, as each in his or her own way says, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Glasgow.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Health and Human Services:

**C.S.S.B. 207**

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 349**  
**S.B. 330**  
**C.S.S.B. 79**